

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00256-MR-DSC**

HENDERSON OIL CO, INC.,

Plaintiff,

vs.

**DELEK, US ENERGY, INC., a/k/a
DELEK RENEWABLE, L.L.C.,**

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss First Amended Complaint [Doc. 8] and the Magistrate Judge's Memorandum and Recommendation [Doc. 11] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable David S. Cayer, United States Magistrate Judge, was designated to consider the Defendant's motion and to submit a recommendation for its disposition.

On December 16, 2019, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 11]. The

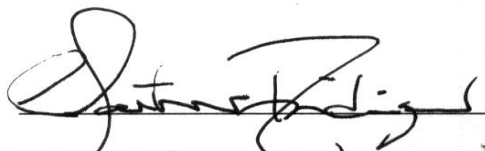
parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss should be granted.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 11] is **ACCEPTED**; the Defendant's Motion to Dismiss [Doc. 8] is **GRANTED**; and this action is **DISMISSED WITH PREJUDICE** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: January 9, 2020


Martin Reidinger
United States District Judge

